

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

TROY JOHNSON
Plaintiff,

:
: Civil Action No.:
:

v.

:
:
:

BOTTLING GROUP, LLC
Defendant.

:
:

NOTICE OF REMOVAL

To the United States District Court for the District of Rhode Island:

PLEASE TAKE NOTICE that Defendant, Bottling Group, LLC, respectfully removes this action from the Superior Court of the State of Rhode Island, Providence/Bristol County to the United States District Court for the District of Rhode Island, pursuant to 28 U.S. C. §§ 1332(a)(1), 1441(b) and 1446, and as grounds therefore, state as follows:

1. Plaintiff commenced an action against the Defendant in the Superior Court of the State of Rhode Island, Providence/Bristol County, by Summons and Complaint dated December 23, 2022. The Plaintiff served by Corporation Service Company a copy of the Summons and Complaint upon CT Corporation System, 450 Veterans Memorial Highway, Suite 7A, East Providence, RI 02914 on December 27, 2022. The case was assigned Civil Action File No.: PC-2022-07118 in the records and files of that Court ("State Court Action"). Pursuant to 28 U.S.C. § 1446(a), the Defendant hereby attaches the Summons and Complaint from Troy Johnson hereto as Exhibit A.

2. The State Court Action is a suit of a wholly civil nature. Plaintiff alleges violations of Rhode Island law, specifically, R.I.G.L. § 28-6.5-1(a)(1) and R.I.G.L. § 28-48-1, *et seq.*

3. Plaintiff is a citizen of Rhode Island.

4. Defendant is organized under the laws of the State of Delaware with a principle place of business in the State of New York.

5. Based on the allegations of the Complaint, the amount in controversy exceeds \$75,000.

6. The United States District Court for the District of Rhode Island has jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) because Plaintiff and Defendant are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs. Therefore, this matter may be removed based on diversity of citizenship pursuant to 28 U.S.C. § 1441(b).

7. Attached hereto, in compliance with 28 U.S.C. § 1446(a), are complete and accurate copies of the process and pleadings received by the Defendant to date.

8. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed within thirty days of the date of Defendant received notice of the filing of this lawsuit through service of process on December 27, 2022.

9. Defendant is providing written notice of the filing of this Notice of Removal to Plaintiff and is filing a copy of this Notice of Removal with the Clerk of the Superior

Court of the State of Rhode Island, Providence/Bristol County, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendant respectfully requests that this action be removed from the Superior Court of the State of Rhode Island, Providence/Bristol County to the United States District Court for the District of Rhode Island.

Respectfully submitted,

*Attorney for Defendant
Bottling Group, LLC*

/s/ Nancy V. Holt

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CERTIFICATE OF SERVICE

I hereby certify that, on the 13th day of January, 2023, I filed and served this document through the electronic filing system on the following parties:

Vicki J. Bejma, Esq.
Robinson & Clapham
123 Dyer St, 1st Fl, Suite 135
Providence, RI 02903
Fax #: 401-331-7888

/s/ Nancy V. Holt
Nancy Van der Veer Holt

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